

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 692 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RAMJANI ABDUL SATTAR SHAIKH

Versus

RANGE FOREST OFFICER

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Appearance:

M/S THAKKAR ASSOC. for Petitioner

Mr. AG Uraizee, A.P.P. for Respondent - State

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 30/07/96

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.A.G.Uraizee, learned A.P.P. on behalf of the State.

2. Heard. In the facts and circumstances of the case following order is required to be passed, particularly bearing in mind the decision of this Court in Special Civil Application No.3700 of 1984 rendered on 7.4.1986 (Coram : A.M.Ahmadi & S.A.Shah, JJ., as Their

Lordships then were) and other decisions, copies whereof have been annexed with this petition Mr.M.M.Tirmiji, learned Advocate Appearing on behalf of the petitioner state that the petitioner will participate in the adjudication proceeding and will also appear before the concerned Range Forest Officer on 10th August 1996 for recording of his statement and that any order passed in the adjudication proceeding will be ultimately binding on the parties subject to their right to challenge the same by taking appropriate legal action. In the mean time the respondent No.1 is directed to hand over the custody of the vehicle in question to the petitioner on giving undertaking to this Court to the following effect :

- (1) The petitioner shall appear before the respondent No.1 on 10.8.1996 as aforesaid;
- (2) He shall not transfer the vehicle in question in any manner whatsoever nor shall he part with the possession;
- (3) He shall maintain the vehicle in question in working condition till the final order is ultimately passed;
- (4) He shall attend to the confiscation proceeding before the competent Authority as and when required;
- (5) He shall produce the vehicle before the concerned Authority of the respondent whenever called upon to do so for the purpose of inspection;
- (6) He shall surrender the vehicle in question within 60 days from the date of the order of the competent authority unless he produces an order from the higher authority;
- (7) He will furnish the solvent security in the sum of Rs.1 lac only to the satisfaction of respondent No.1.

Rule made absolute in the aforesaid terms.

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